

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
N/S Yakona Road, 150' W of the	
c/l of Willow Oak Road	* ZONING COMMISSIONER
(1722 Yakona Road)	
9th Election District	* OF BALTIMORE COUNTY
4th Councilmanic District	
	* Case No. 95-257-SPH
Bonnie D. Parker	
Petitioner	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 1722 Yakona Road, located off of Loch Raven Boulevard, south of Joppa Road in the Ridgeley subdivision. The Petition was filed by the owner of the property, Bonnie D. Parker. The Petitioner seeks a determination as to whether the use of the subject property meets the definition of a home occupation as defined under Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and listed as a permitted use under Section 1B01.1.A.14.d. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed.

Appearing at the requisite hearing held in this case was Bonnie D. Parker, property owner, and Harvey B. Weeks, Esquire, attorney for the Petitioner. Also appearing on behalf of the Petition were Vic Williams, adjoining property owner, Mary Anne Ault, and Charles Walsh. There were no other interested parties present.

Testimony and evidence offered demonstrated that the subject property consists of 1900 sq.ft. more or less, zoned D.R. 5.5 and is improved with a single family, duplex dwelling unit, which has been divided into two apartments. Mr. Parker testified that he has owned the property since October, 1993. He stated that he presently resides in the upstairs

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Date 3/9/95

By [Signature]

MICROFILMED

apartment and that the downstairs apartment is currently vacant, although he occasionally rents the downstairs unit to his children.

The Petition was filed as a result of a complaint registered with the Zoning Administration and Development Management (ZADM) office as to the activity which occurs largely within the downstairs unit. Mr. Parker testified that he works for AT&T and has been employed by them for many years. Presently, he is the Treasurer of the Communications Workers of America, Labor Union Local No. 2150. Although a full-time employee with AT&T, Mr. Parker devotes many of his non-working hours to the business of the Union. Moreover, he has converted a portion of the downstairs unit to support this activity. He described the downstairs unit as containing a work table, a xerox machine, some small storage cabinets, and similar furnishings and equipment to support his activities, including a computer, printer and telephone. It is also significant to note that the downstairs unit contains a bathroom and kitchen, as well as a sleep sofa. Thus, this unit is furnished to support a residential use and has not been abandoned as a residential property.

Also testifying in support of the Petition was Vic Williams who owns the adjacent duplex dwelling, known as 1724 and 1726 Yakona Road. Mr. Williams resides at 1726 Yakona Road and his son occupies 1724 Yakona Road. Mr. Williams testified that he is semi-retired and usually home. He sees very little activity and traffic being generated by Mr. Parker's use of the subject property. Mr. Williams reports that there is no traffic problem caused by Mr. Parker's Union activities and believes that there is no inconvenience, nor detrimental effect upon the neighborhood occasioned by the Union activities which occur on-site. He described the number of

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Date 3/9/95

By [Signature]

visitors to and from the site as being only two or three people on periodic occasions.

Mary Anne Ault, the President of Local 2150 of the Communication Workers of America also testified. Ms. Ault testified that there are eight people on the Executive Board and that they meet on a quarterly basis at the subject property. She indicated that the meetings usually draw six people and that meetings are generally conducted during the day, from approximately 10:00 AM to 2:00 PM. She noted that the Union does not conduct its regular membership meetings at Mr. Parker's property. In support of this contention, Ms. Ault produced a transaction report, marked as Petitioner's Exhibit 1, which shows that the Union meetings are held at the Cockeysville Volunteer Fire Department. Ms. Ault emphasized that Mr. Parker's residence is used only as a meeting place for very small groups and as a place for Mr. Parker to handle the books and accounting in connection with his duties as Treasurer for Local No. 2150.

Mr. Charles Walsh, another resident of the community testified in support of the Petition. Mr. Walsh is a member of the Ridgeley Community Association and indicated that there are over 1,000 residents in the Ridgeley community in which this property is located. He also reported that no complaints have been filed to the best of his knowledge as to the activities taking place on the subject property.

As noted earlier in this Opinion, this Petition for Special Hearing was filed as a result of an inspection of the property by the Zoning Administration and Development Management (ZADM) office upon receipt of a complaint. Apparently, a disgruntled Union member, namely, Yvonne G. Leary, who is noted in the file as being Vice President of Local No. 2150, reported Mr. Parker's activity and an investigation was undertaken by ZADM.

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Date

By

The Zoning Inspector recommended that Mr. Parker file the instant Petition to clarify the nature of his use of the property.

As noted above, the subject property is zoned D.R. 5.5 and thus, the uses therein are governed by Article 1B of the B.C.Z.R. Therein, Section 1B01.1A.14.d allows home occupations to be conducted in the D.R. zones as of right. Moreover, home occupations are defined in Section 101 of the B.C.Z.R. as "Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which, no commodity is kept for sale on the premises, not more than one person is employed on the premises, other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes."

In considering the merits of this Petition for Special Hearing, the language used within the definition set forth above must be broken down and applied to the facts presented. It is clear that the use of the subject property by Mr. Parker and the activities conducted therein are indeed entirely within his dwelling. The uncontradicted testimony was that Mr. Parker actually resides within the dwelling on the second floor. Moreover, his testimony was uncontradicted that the main use of the building is indeed for dwelling purposes and in addition to his occupancy of the upstairs unit, he occasionally makes the downstairs unit available for occupancy by members of his family. Thus, it is clear that the main use of the building is for dwelling purposes, and his volunteer avocation as Treasurer of the Labor Union is incidental to the main dwelling use. Also, he indicated that there is no exterior evidence of Union activities,

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Date

By

including no signage. Moreover, no commodity is kept on the premises for sale, and no one, other than Mr. Parker, actually resides therein. Lastly, the only equipment utilized is a computer, printer and telephone system which are commonly found in many dwellings.

For so long as the activity on the subject property continues as described at the hearing, I am persuaded that the Petitioner has satisfied the definition of home occupation. Were general meetings to be held in the premises or the downstairs unit converted to office use entirely, my conclusion might be different. However, the testimony and evidence presented at the hearing was persuasive that Mr. Parker's activities fall within the definition of a home occupation. I also take note of the fact that the immediate neighbor finds no detrimental effect caused by the same use and that there has been no complaint by surrounding neighbors regarding this use. Minimal traffic, if any, is generated by the use and apparently, many of the neighbors are unaware of the activities which occur inside, due to the minimal activities which are visible on the outside.

It should be noted that Zoning Plans Advisory Committee (ZAC) comments were also received regarding this use. The Office of Planning and Zoning recommended denial of the request and opined that the subject use was a Class A office building. The testimony and evidence presented to me does not support such a finding. Section 101 of the B.C.Z.R. defines a Class A office building as a "principal building that was originally constructed as a dwelling that has been converted by proper permit to office use without any external enlargement." Clearly, there has been no conversion here. The building was a dwelling and remains so. Thus, since same has not been converted, a finding that the subject use is a Class A office building is not supported by the testimony and evidence presented.

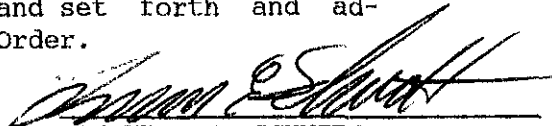
3/9/95
Ryp

Therefore, based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. It is to be noted, however, that the privilege conferred by the grant hereof extends only to the operation as described by the witnesses at this hearing. Should the nature of the activity materially change, or be enlarged, or should the building be converted and remodeled to exclusive office use, the privilege conferred hereby shall be revoked.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the special hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1995 that the use of the subject property meets the definition of a home occupation as defined under Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and is listed as a permitted use under Section 1B01.1.A.14.d., and as such, the Petition for Special Hearing be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the operation as described by the witnesses at this hearing. Should the nature of the activity materially change, or be enlarged, or should the building be converted and remodeled to exclusive office use, the privilege conferred hereby shall be revoked
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner

ORDER RECEIVED FOR FILING
Date 3/9/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 9, 1995

Harvey B. Weeks, Esquire
12060 Glen Arm Road
Glen Arm, Maryland 21057

RE: PETITION FOR SPECIAL HEARING
N/S Yakona Road, 150' W of the c/l of Willow Oak Road
(1722 Yakona Road)
9th Election District - 4th Councilmanic District
Bonnie D. Parker - Petitioner
Case No. 95-257-SPH

Dear Mr. Weeks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Bonnie D. Parker
1722 Yakona Road, Baltimore, Md. 21234

Ms. Yvonne G. Leary
P.O. Box 673, White Marsh, Md. 21162

Mr. Dan Roach
Box 511, New Freedom, Pa. 17349

People's Counsel
File





Petition for Special Hearing

95-257-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 1722 Yakona Road
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation as defined under both Section 101 Of the Baltimore County Zoning Regulations and listed as a permitted use under Section 1B01.1.A.14d.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s).

(Type or Print Name)

Bonnie D. Parker

(Type or Print Name)

Signature

Bonnie D. Parker

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

1722 Yakona Road

Address

Phone No

Harvey B. Weeks

(Type or Print Name)

Baltimore, Maryland 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Signature

Name

12060 Glen Arm

592-2461

Address

Phone No.

Glen Arm, Maryland 21057

State

Zipcode

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: mjc

DATE

1/25/95

ORDER RECEIVED FOR FILING

Date 3/9/95

By [Signature]



Zoning Description

- 3 copies

95-257-SPH

ZONING DESCRIPTION FOR 1722 YAKONA ROAD

Beginning at a point on the North side of Yakona Road which is 60 feet wide at the distance of 150 feet West of the centerline of the nearest improved intersecting street, Willow Oak Road, which is 60 feet wide.

Being Lot No. 10, Block 15, in the subdivision of Ridgeley as recorded in Baltimore County Plat Book #14, Folio 34, containing approximately 1900 square feet. Also known as 1722 Yakona Road and located in the 9th Election District, 4th Councilmanic District.

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257

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-257-SP H

District 9th

Date of Posting 2/10/95

Posted for: Special Hearing

Petitioner: Bonnie D. Parker

Location of property: 1722 Yabono Rd, N/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by [Signature]
Signature

Date of return: 2/10/95

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-257-SPH
(Item 257)
1722 Yakona Road
N/S Yakona Road, 150' W
of c/l Willow Oak Road
9th Election District
4th Councilmanic
Legal Owner(s):
Bonnie D. Parker
Hearing: Friday,
February 24, 1995 at
10:00 a.m. in Rm. 106,
County Office Building.

Special Hearing to approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

2/133 February 9.

TOWSON, MD., 2/10, 19 95

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/9, 19 95.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Publisher



City of Baltimore
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-257-SPH

Account: R-001-6150

Number

Date

1/25/95

Taken In By: 222211

Item 257

Packer, Bonnie D. — 1722 Yakoma Road

030 - Res Eye Hearing — \$ 50.00

030 - 1 sign posting — \$ 35.00

Total — \$ 85.00

PAID TO CASH

03AD030077MYCHRC
BY COTE/CHANDLER 25-95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

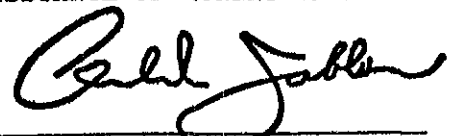
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 257

Petitioner: Bonnie D Parker

Location: 1722 Yakona Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ~~WAAAAA~~ Harry B. Weeks

ADDRESS: ~~WAAAAA~~ 12060 Glen Arm Rd.

Glen Arm, MD 21057

PHONE NUMBER: 592-2461

TO: PUTUXENT PUBLISHING COMPANY
February 9, 1995 Issue - Jeffersonian

Please forward billing to:

Harvey B. Weeks, Esq.
12060 Glen Arm Road
Glen Arm, MD 21057
592-2461

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-257-SPH (Item 257)

1722 Yakona Road

N/S Yakona Road, 150' W of c/l Willow Oak Road

9th Election District - 4th Councilmanic

Legal Owner(s): Bonnie D. Parker

HEARING: FRIDAY, FEBRUARY 24, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 2, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-257-SPH (Item 257)

1722 Yakona Road

N/S Yakona Road, 150' W of c/l Willow Oak Road

9th Election District - 4th Councilmanic

Legal Owner(s): Bonnie D. Parker

HEARING: FRIDAY, FEBRUARY 24, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Bonnie D. Parker
Harvey B. Weeks, Esq.
Yvonne G. Leary
Dan Roach

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 17, 1995

Harvey B. Weeks, Esquire
12060 Glen Arm
Glen Arm, Maryland 21057

RE: Item No.: 257
Case No.: 95-257-SPH
Petitioner: Bonnie D. Parker

Dear Mr. Weeks:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: February 13, 1995

SUBJECT: 1722 Yakona Rd.

INFORMATION:

Item Number: 257

Petitioner: Bonnie Parker

Property Size: 1900 Sq. ft.

Zoning: DR-5.5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The request for a Special Hearing is the result of a zoning violation complaint (see C-94-2009). Based upon a review of the file in that case, it appears that an office for the Communication Workers of America union is contained within the home at 1722 Yakona Rd.

This site is located within a Community Conservation Area (CCA) as designated in the Baltimore County Master Plan 1989-2000. Residential uses are preferred within the CCA and the proposed use would not be in keeping with the goals of the Master Plan.

The neighborhood is improved with on street parking and limited parking to the rear of the houses on concrete parking pads. Availability of parking is limited and any non-residential intrusion would create an additional burden.

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Based upon a review of Section 101 of the Baltimore County Zoning Regulations, it is clear that the use described in C-94-2009 is an Office Building, Class A, as defined. Therefore, since an Office Building, Class A is not permitted in a Density Residential zone, the staff recommends that the applicant's request be denied.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Lewis

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: February 13, 1995
Zoning Administration and Development Management

FROM: *PWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 13, 1995
Items 246, 256, 257, 260, 261 and 263

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:SW



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 257 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 6, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 246, 252, 253, 254, 255,
256, 257, 258, 259, 260, 261 AND 263.

RECEIVED

FEB 8 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DATE: January 27, 1995

TO: Gwen Stephens
Zoning Administration

FROM: James H. Thompson
Zoning Enforcement

RE: Item No. 257
Parker - Petitioner
1722 Yakona Road

Please be advised that the referenced matter is subject to an active violation case, C-94-2009, with Timothy L. Fitts as the inspector.

When the petition is scheduled for a hearing please notify:

Yvonne G. Leary, Vice President
CWA Local 2150
P.O. Box 673
White Marsh, Maryland 21162

Mr. Dan Roach
Box 511
New Freedom, Pennsylvania 17349

JHT/hek

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: January 25, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #257
1722 Yakona Road

The lot area as shown is 1,900 square feet; however, when calculated, the lot is about 3,000 square feet. This should have no impact on this case but I wanted to make you aware since the lot seems small.

MJK:scj

1722 YAKONA RD

RE: PETITION FOR SPECIAL HEARING
1722 Yakona Road, N/S Yakona Road, 150'
W of c/l Willow Oak Road, 9th
Election District, 4th Councilmanic

Bonnie D. Parker
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-257-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Harvey B. Weeks, Esquire, 12060 Glen Arm Road, Glen Arm, MD 21057, attorney for Petitioner.

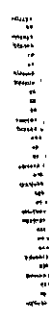
Peter Max Zimmerman

PETER MAX ZIMMERMAN



CWA LOCAL 2150
PO BOX 50235
BALTIMORE, MD 21211

Post No 2



75
GRACE E. GWIN
10330 MALCOLM CIRCLE
COCKEYSVILLE MD 21030

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

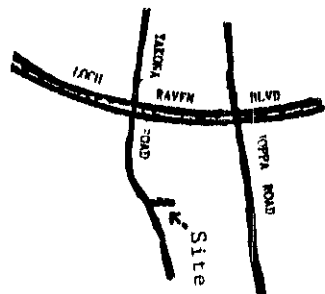
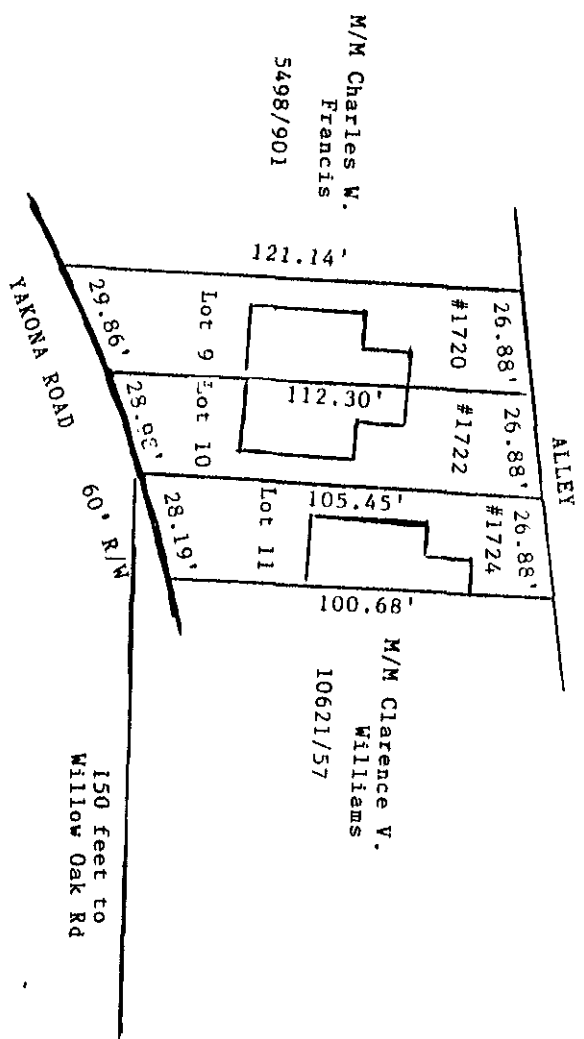
PROPERTY ADDRESS: 1722 YAKONA ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: RIDGELEY

plat book # 14, folio # 34, lot # 10, section # 15

OWNER: BONNIE D. PARKER

95-257-SPH



Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Election District: No. 9

Councilmanic District: No. 4

1"=200' scale map: N.E. 10-C

Zoning: D.R. 5.5

Lot size: 1900' +/- acreage square feet

- Public Private
- SEWER: ☒ Public ☐ Private
 - WATER: ☒ Public ☐ Private

Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings:

Zoning Office USE ONLY

reviewed by: MMK ITEM #: 857 CASE#:

North

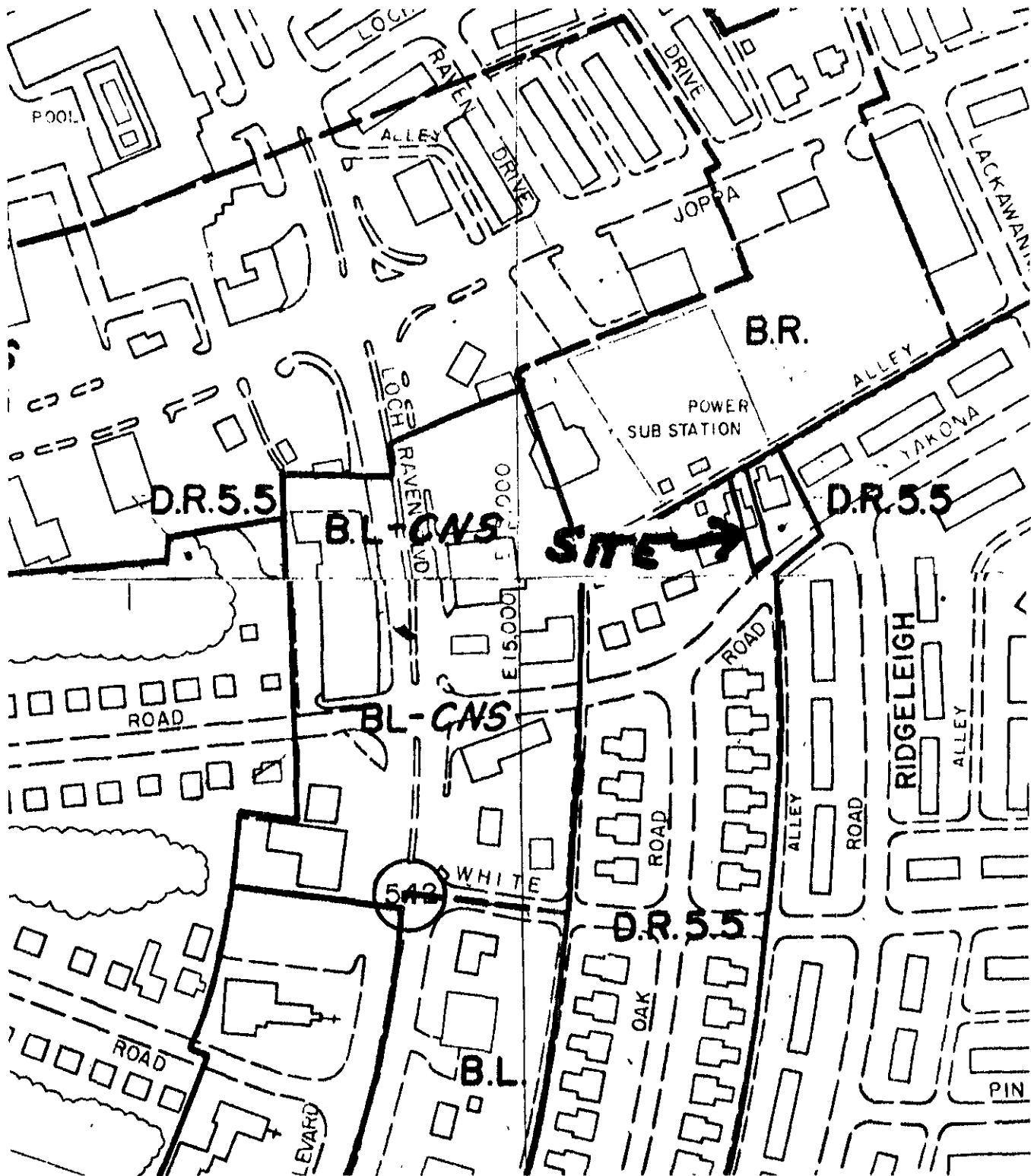
date: 1/11/95

prepared by: H.B. WEEKS

Scale of Drawing: 1"= 50'

Zoning Map

● - 1 copy



SCALE	LOCATION	SHEET	SHEET
1" = 200' ±		N.E.	N.E.
DATE OF PHOTOGRAPHY	OAKLEIGH	10-C	9-C
JANUARY 1986	BAYNESVILLE		MICROFILMED

95-257-SPH

257



95-257-SPH

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

N-NW N-NE
R-SW R-SE

SITE

REVISIONS

SCALE

LOCATION

SHEET

BY DATE

1" = 200'

OAKLEIGH

NE

4-11-70

DATE OF PHOTOGRAPHY

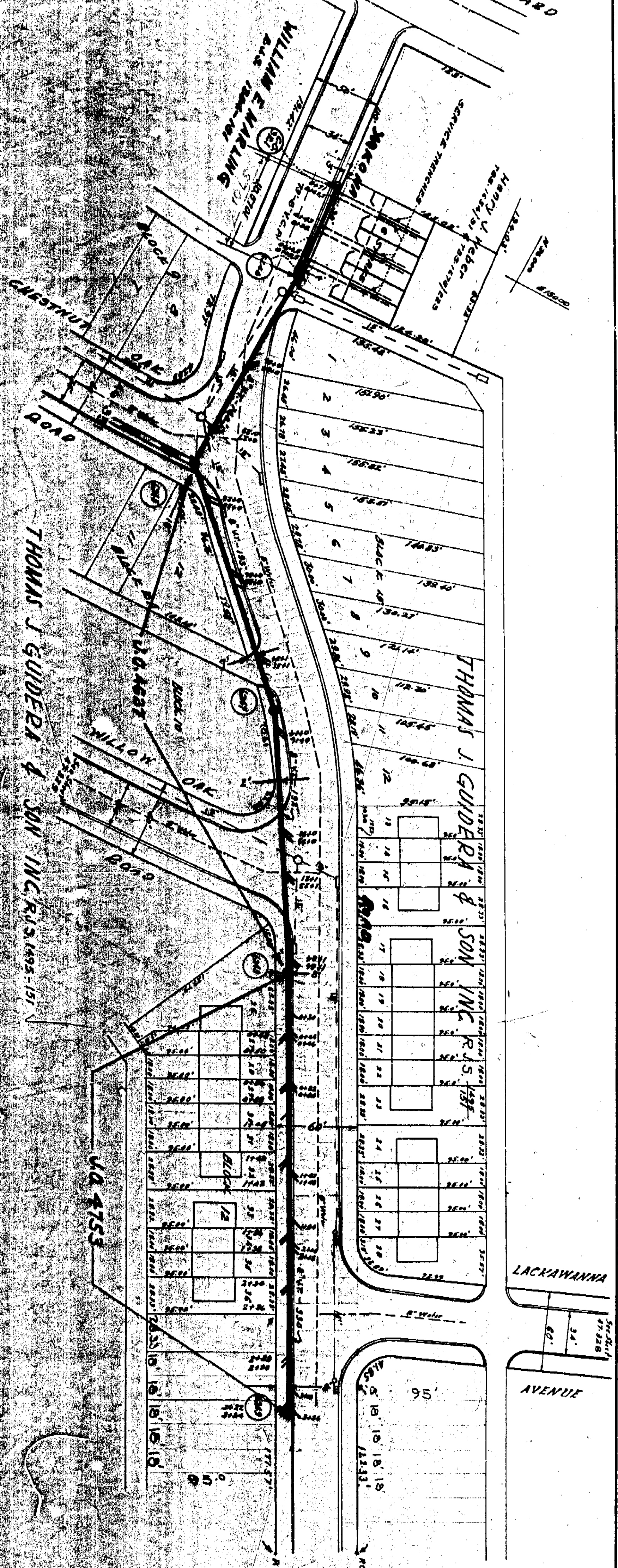
APRIL 1953

10-C

Topography Compiled by Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.

#857

LOCH RAVEN
BOULEVARD



CHESTNUT OAK
ROAD

WILLOW OAK
ROAD

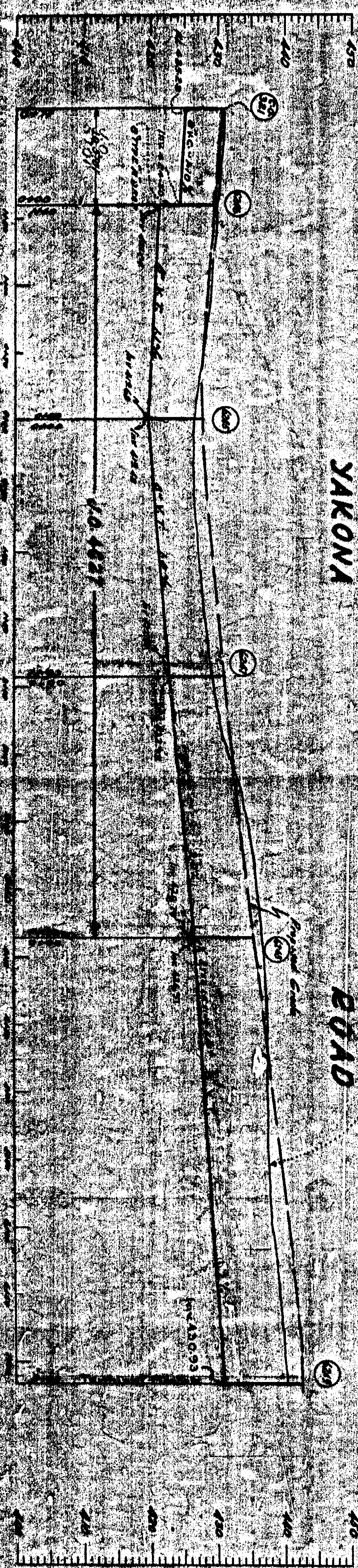
LACKAWANNA
AVENUE

JAKONA

ROAD

MH 6248 - MH 6249
Developer will excavate
road to sub-grade before
installation of sewer

MH 6248 - MH 6249
Original Ground as of 5-29-47



95-257-584

S.E.A.

MICROFILMED

BALTIMORE COUNTY
METROPOLITAN DISTRICT

APPROVED: 1/23/63
S.E.A. 1/23/63

COUNTY COMMISSIONERS OF BALTIMORE COUNTY

RIDGELIGHT

JAKONA
ROAD

ELECTION DIST. NO. 3

12-10-1963

S.E.A.

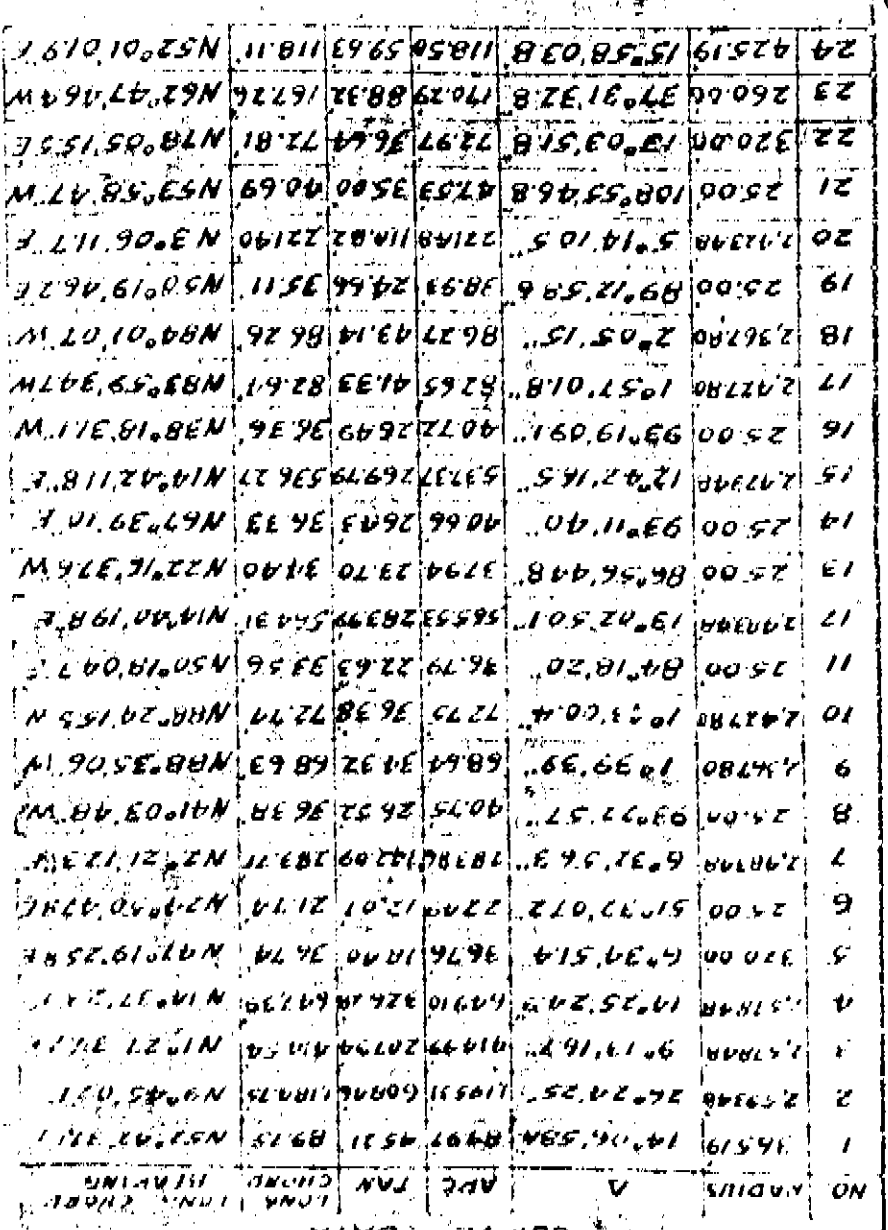
1/23/63

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Place & Apartment shown from the
the Street Views shown from the
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Baltimore County Metropolitan Dis-
trict and was that the

SCALE 1 IN. = 40 FT

AUGUST 1946

14/34



95-257-SPH

SEP 15 1978



95-257-SPH

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±
DATE OF PHOTOGRAPHY JANUARY
LOCATION MICROFILMED
OAKLEIGH BAYNESVILLE
SHE NE
#957

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

This document was prepared under the terms of a contract with the Baltimore County Department of Planning and Zoning. It is the property of the County and is not to be distributed outside the County without the written consent of the County.

10-4774 REVISION AS PER RECORD DRAWING 10-4774 E.L.B.

48 FT. OF 6" C.I. PIPE
SEPT. OF 6" C.I. PIPE
CONTRACT NO. 112
R.D. WOOD PIPE CLASS 150
MAROCCO CONSTR. CO. CONTR.

95-257-SRH

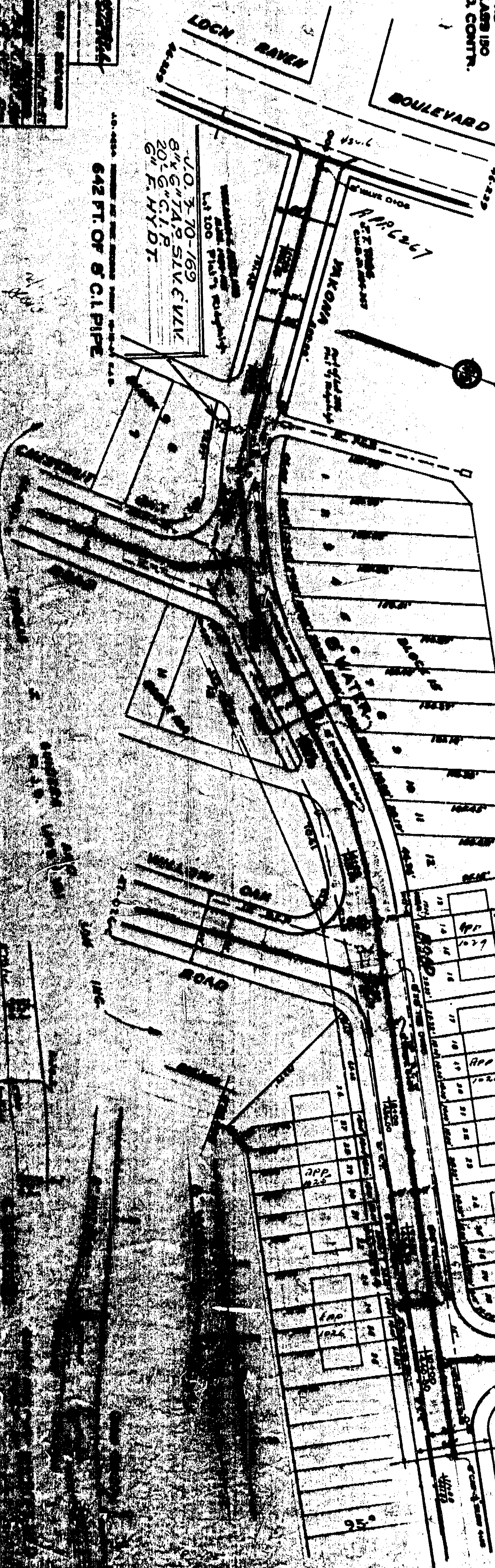
#257

J.O. 4724

LIST OF PIPE FITTINGS	
NO.	DESCRIPTION
1	1/2" x 1/2" ELBOW
2	1/2" x 1/2" TEE
3	1/2" x 1/2" CROSS
4	1/2" x 1/2" 90°
5	1/2" x 1/2" 45°
6	1/2" x 1/2" 22.5°
7	1/2" x 1/2" 11.25°
8	1/2" x 1/2" 5.625°
9	1/2" x 1/2" 2.8125°
10	1/2" x 1/2" 1.40625°
11	1/2" x 1/2" 0.703125°
12	1/2" x 1/2" 0.3515625°
13	1/2" x 1/2" 0.17578125°
14	1/2" x 1/2" 0.087890625°
15	1/2" x 1/2" 0.0439453125°
16	1/2" x 1/2" 0.02197265625°
17	1/2" x 1/2" 0.010986328125°
18	1/2" x 1/2" 0.0054931640625°
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21	1/2" x 1/2" 0.0006866455078125°
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J.O. 3-70-169
8" G.T.A. 2" SLV & VLV
20" G.C.I.P.
6" F.HYDT.

642 FT. OF 6" C.I. PIPE



REV 6-21-78 HELL Added 10.370.109

46-35

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Yakona Road, 150' W of the * ZONING COMMISSIONER
c/1 of Willow Oak Road * OF BALTIMORE COUNTY
(1722 Yakona Road)
9th Election District
4th Councilmanic District * Case No. 95-257-SPH
Bonnie D. Parker
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 1722 Yakona Road, located off of Loch Raven Boulevard, south of Joppa Road in the Ridgeley subdivision. The Petition was filed by the owner of the property, Bonnie D. Parker. The Petitioner seeks a determination as to whether the use of the subject property meets the definition of a home occupation as defined under Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and listed as a permitted use under Section 1801.1.A.14.d. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed.

Appearing at the requisite hearing held in this case was Bonnie D. Parker, property owner, and Harvey B. Weeks, Esquire, attorney for the Petitioner. Also appearing on behalf of the Petition were Vic Williams, adjoining property owner, Mary Anne Ault, and Charles Walsh. There were no other interested parties present.

Testimony and evidence offered demonstrated that the subject property consists of 1900 sq.ft. more or less, zoned D.R. 5.5 and is improved with a single family, duplex dwelling unit, which has been divided into two apartments. Mr. Parker testified that he has owned the property since October, 1993. He stated that he presently resides in the upstairs

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Date 3/16/95
By JEP

apartment and that the downstairs apartment is currently vacant, although he occasionally rents the downstairs unit to his children.

The Petition was filed as a result of a complaint registered with the Zoning Administration and Development Management (ZADM) office as to the activity which occurs largely within the downstairs unit. Mr. Parker testified that he works for AT&T and has been employed by them for many years. Presently, he is the Treasurer of the Communications Workers of America, Labor Union Local No. 2150. Although a full-time employee with AT&T, Mr. Parker devotes many of his non-working hours to the business of the Union. Moreover, he has converted a portion of the downstairs unit to support this activity. He described the downstairs unit as containing a work table, a xerox machine, some small storage cabinets, and similar furnishings and equipment to support his activities, including a computer, printer and telephone. It is also significant to note that the downstairs unit contains a bathroom and kitchen, as well as a sleep sofa. Thus, this unit is furnished to support a residential use and has not been abandoned as a residential property.

Also testifying in support of the Petition was Vic Williams who owns the adjacent duplex dwelling, known as 1724 and 1726 Yakona Road. Mr. Williams resides at 1726 Yakona Road and his son occupies 1724 Yakona Road. Mr. Williams testified that he is semi-retired and usually home. He sees very little activity and traffic being generated by Mr. Parker's use of the subject property. Mr. Williams reports that there is no traffic problem caused by Mr. Parker's Union activities and believes that there is no inconvenience, nor detrimental effect upon the neighborhood occasioned by the Union activities which occur on-site. He described the number of

ORDER RECEIVED FOR FILING
Date 3/16/95
By JEP

- 2 -

visitors to and from the site as being only two or three people on periodic occasions.

Mary Anne Ault, the President of Local 2150 of the Communication Workers of America also testified. Ms. Ault testified that there are eight people on the Executive Board and that they meet on a quarterly basis at the subject property. She indicated that the meetings usually draw six people and that meetings are generally conducted during the day, from approximately 10:00 AM to 2:00 PM. She noted that the Union does not conduct its regular membership meetings at Mr. Parker's property. In support of this contention, Ms. Ault produced a transaction report, marked as Petitioner's Exhibit 1, which shows that the Union meetings are held at the Cockeysville Volunteer Fire Department. Ms. Ault emphasized that Mr. Parker's residence is used only as a meeting place for very small groups and as a place for Mr. Parker to handle the books and accounting in connection with his duties as Treasurer for Local No. 2150.

Mr. Charles Walsh, another resident of the community testified in support of the Petition. Mr. Walsh is a member of the Ridgeley Community Association and indicated that there are over 1,000 residents in the Ridgeley community in which this property is located. He also reported that no complaints have been filed to the best of his knowledge as to the activities taking place on the subject property.

As noted earlier in this Opinion, this Petition for Special Hearing was filed as a result of an inspection of the property by the Zoning Administration and Development Management (ZADM) office upon receipt of a complaint. Apparently, a disgruntled Union member, namely, Yvonne G. Leary, who is noted in the file as being Vice President of Local No. 2150, reported Mr. Parker's activity and an investigation was undertaken by ZADM.

ORDER RECEIVED FOR FILING
Date 3/16/95
By JEP

- 3 -

The Zoning Inspector recommended that Mr. Parker file the instant Petition to clarify the nature of his use of the property.

As noted above, the subject property is zoned D.R. 5.5 and thus, the uses therein are governed by Article 1B of the B.C.Z.R. Therein, Section 1801.1A.14.d allows home occupations to be conducted in the D.R. zones as of right. Moreover, home occupations are defined in Section 101 of the B.C.Z.R. as "Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which, no commodity is kept for sale on the premises, not more than one person is employed on the premises, other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes."

In considering the merits of this Petition for Special Hearing, the language used within the definition set forth above must be broken down and applied to the facts presented. It is clear that the use of the subject property by Mr. Parker and the activities conducted therein are indeed entirely within his dwelling. The uncontradicted testimony was that Mr. Parker actually resides within the dwelling on the second floor. Moreover, his testimony was uncontradicted that the main use of the building is indeed for dwelling purposes and in addition to his occupancy of the upstairs unit, he occasionally makes the downstairs unit available for occupancy by members of his family. Thus, it is clear that the main use of the building is for dwelling purposes, and his volunteer avocation as Treasurer of the Labor Union is incidental to the main dwelling use. Also, he indicated that there is no exterior evidence of Union activities,

ORDER RECEIVED FOR FILING
Date 3/16/95
By JEP

- 4 -

including no signage. Moreover, no commodity is kept on the premises for sale, and no one, other than Mr. Parker, actually resides therein. Lastly, the only equipment utilized is a computer, printer and telephone system which are commonly found in many dwellings.

For so long as the activity on the subject property continues as described at the hearing, I am persuaded that the Petitioner has satisfied the definition of home occupation. Were general meetings to be held in the premises or the downstairs unit converted to office use entirely, my conclusion might be different. However, the testimony and evidence presented at the hearing was persuasive that Mr. Parker's activities fall within the definition of a home occupation. I also take note of the fact that the immediate neighbor finds no detrimental effect caused by the same use and that there has been no complaint by surrounding neighbors regarding this use. Minimal traffic, if any, is generated by the use and apparently, many of the neighbors are unaware of the activities which occur inside, due to the minimal activities which are visible on the outside.

It should be noted that Zoning Plans Advisory Committee (ZAC) comments were also received regarding this use. The Office of Planning and Zoning recommended denial of the request and opined that the subject use was a Class A office building. The testimony and evidence presented to me does not support such a finding. Section 101 of the B.C.Z.R. defines a Class A office building as a "principal building that was originally constructed as a dwelling that has been converted by proper permit to office use without any external enlargement." Clearly, there has been no conversion here. The building was a dwelling and remains so. Thus, since same has not been converted, a finding that the subject use is a Class A office building is not supported by the testimony and evidence presented.

ORDER RECEIVED FOR FILING
Date 3/16/95
By JEP

- 5 -

Therefore, based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. It is to be noted, however, that the privilege conferred by the grant hereof extends only to the operation as described by the witnesses at this hearing. Should the nature of the activity materially change, or be enlarged, or should the building be converted and remodeled to exclusive office use, the privilege conferred hereby shall be revoked.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the special hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1995 that the use of the subject property meets the definition of a home occupation as defined under Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and is listed as a permitted use under Section 1801.1.A.14.d., and as such, the Petition for Special Hearing be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the operation as described by the witnesses at this hearing. Should the nature of the activity materially change, or be enlarged, or should the building be converted and remodeled to exclusive office use, the privilege conferred hereby shall be revoked.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner

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Date 3/16/95
By JEP

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 9, 1995

Harvey B. Weeks, Esquire
12060 Glen Arm Road
Glen Arm, Maryland 21057

RE: PETITION FOR SPECIAL HEARING
N/S Yakona Road, 150' W of the c/1 of Willow Oak Road
(1722 Yakona Road)
9th Election District - 4th Councilmanic District
Bonnie D. Parker - Petitioner
Case No. 95-257-SPH

Dear Mr. Weeks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Bonnie D. Parker
1722 Yakona Road, Baltimore, Md. 21234

Ms. Yvonne G. Leary
P.O. Box 673, White Marsh, Md. 21162

Mr. Dan Roach
Box 511, New Freedom, Pa. 17349

People's Counsel
File

Printed with Recycled Ink
on Recycled Paper



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 1722 Yakona Road
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation as defined under both Section 101 of the Baltimore County Zoning Regulations and listed as a permitted use under Section 1801.1.A.14d.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

With so solemnly declare and affirm, under the penalties of perjury, that these are the legal owners of the property which is the subject of this Petition.

Legal Owner(s)
Bonnie D. Parker
Signature
Bonnie D. Parker

Address
1722 Yakona Road
City
Baltimore, Maryland 21234

Phone No.
12060 Glen Arm
Glen Arm, Maryland 21057

Office Use Only
1722 Yakona Road
Baltimore, Maryland 21234

ESTIMATED LENGTH OF HEARING
Uninterruptible for Hearing
1 hr.

RECEIVED BY: DATE: 11/25/95

ORDER RECEIVED FOR FILING
Date 3/16/95
By JEP

Zoning Description

- 3 copies

95-257-SPH

ZONING DESCRIPTION FOR 1722 YAKONA ROAD

Beginning at a point on the North side of Yakona Road which is 60 feet wide at the distance of 150 feet West of the centerline of the nearest improved intersecting street, Willow Oak Road, which is 60 feet wide.

Being Lot No. 10, Block 15, in the subdivision of Ridgeley as recorded in Baltimore County Plat Book #14, Folio 34, containing approximately 1900 square feet. Also known as 1722 Yakona Road and located in the 9th Election District, 4th Councilmanic District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

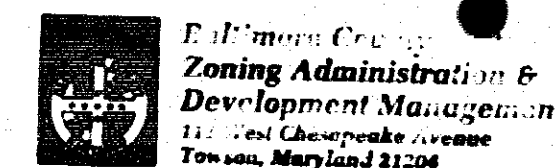
District: 9th Date of Posting: 2/14/95
 Posted for: Special Hearing
 Petitioner: Bonnie D. Parker
 Location of property: 1722 Yakona Rd. N/S
 Location of Sign: 1722 Yakona Rd. N/S. Property being zoned
 Remarks:
 Posted by: [Signature] Date of return: 2/14/95
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/10, 1995
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/4, 1995.

THE JEFFERSONIAN,
G. H. Henickson
 LEGAL AD. - TOWSON
 Publisher

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
 Special Hearing to approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation.
 LAWRENCE S. SCHMIDT
 Zoning Commissioner for Baltimore County
 February 9, 1995



receipt
 95-257-SPH

Date: 1/25/95

Account: R-01-4190

Number

Taken In By: MDK
 Item: 257

Parker, Bonnie D - 1722 Yakona Road

030 - Res. Sp. Hearing - \$ 50.00

030 - 1 sign posting - \$ 35.00

Total - \$ 85.00

034034007710HRC \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Verification

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 257

Petitioner: Bonnie D. Parker

Location: 1722 Yakona Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: [Signature] Harvey B. Weeks

ADDRESS: 12060 Glen Arm Rd.

Glen Arm, MD 21057

PHONE NUMBER: 592-2461

AJ:ggg

(Revised 04/09/93)

TO: POTOMAC PUBLISHING COMPANY
 February 9, 1995 Issue - Jeffersonian

Please forward billing to:

Harvey B. Weeks, Esq.
 12060 Glen Arm Road
 Glen Arm, MD 21057
 592-2461

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-257-SPH (Item 257)

1722 Yakona Road

N/S Yakona Road, 150' W of c/l Willow Oak Road

9th Election District - 4th Councilmanic

Legal Owner(s): Bonnie D. Parker

HEARING: FRIDAY, FEBRUARY 24, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation.

LAWRENCE S. SCHMIDT
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

FEBRUARY 2, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-257-SPH (Item 257)

1722 Yakona Road

N/S Yakona Road, 150' W of c/l Willow Oak Road

9th Election District - 4th Councilmanic

Legal Owner(s): Bonnie D. Parker

HEARING: FRIDAY, FEBRUARY 24, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to approve whether the use of 1722 Yakona Road can be interpreted as that of a home occupation.

[Signature]

Arnold Jablon
 Director

cc: Bonnie D. Parker
 Harvey B. Weeks, Esq.
 Yvonne G. Leary
 Sam Booth

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Spectrum Ink
 on Recycled Paper

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

February 17, 1995

Harvey B. Weeks, Esquire
 12060 Glen Arm
 Glen Arm, Maryland 21057

RE: Item No.: 257
 Case No.: 95-257-SPH
 Petitioner: Bonnie D. Parker

Dear Mr. Weeks:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
[Signature]
 W. Carl Richards, Jr.
 Zoning Supervisor

WCR/jw
 Attachment(s)

Printed with Spectrum Ink
 on Recycled Paper

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration &
 Development Management

FROM: Pat Keller, Director
 Office of Planning and Zoning

DATE: February 13, 1995

SUBJECT: 1722 Yakona Rd.

INFORMATION:

Item Number: 257

Petitioner: Bonnie Parker

Property Size: 1900 Sq. ft.

Zoning: DR-5.5

Requested Action: Special Hearing

Hearing Date: 2/24

SUMMARY OF RECOMMENDATIONS:

The request for a Special Hearing is the result of a zoning violation complaint (see C-94-2009). Based upon a review of the file in that case, it appears that an office for the Communication Workers of America union is contained within the home at 1722 Yakona Rd.

This site is located within a Community Conservation Area (CCA) as designated in the Baltimore County Master Plan 1989-2000. Residential uses are preferred within the CCA and the proposed use would not be in keeping with the goals of the Master Plan.

The neighborhood is improved with on street parking and limited parking to the rear of the houses on concrete parking pads. Availability of parking is limited and any non-residential intrusion would create an additional burden.

172257/FOODS/PERM.NL

Pg. 1

Based upon a review of Section 101 of the Baltimore County Zoning Regulations, it is clear that the use described in C-94-2009 is an Office Building, Class A, as defined. Therefore, since an Office Building, Class A is not permitted in a Density Residential zone, the staff recommends that the applicant's request be denied.

Prepared by: Jeffrey M. Long
Division Chief: Gary L. Lewis
PK/JL

ITEM257/PZONE/TXTJWL

Pg. 2

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1995
Zoning Administration and Development Management
Room 109
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for February 13, 1995
Items 246, 256, 257, 260, 261 and 263
The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:ew

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 257 (NJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 6, 1995.

Item No.: SEE BELOW Zoning Agenda:

Contentment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 246, 256, 257, 259, 260, 261 AND 263.

RECEIVED
FEB 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4681, MS-1102F

cc: File

Printed on Recycled Paper

TRANSACTION REPORT
1/ 1/93 Through 2/19/95
Page 1

Date	Item	Description	Memo	Chg Amount
6/27/93	2020	Cockeysville VFD	mtg hall	-50.00
7/30/93	2048	Cockeysville VFD	mtg hall	-150.00
7/26/94	2265	Cockeysville VFD	mtg hall	-100.00
6/24/94	2451	Cockeysville VFD	mtg hall	-75.00
10/ 1/94	2551	Cockeysville VFD	mtg hall	-200.00
1/ 5/95	2562	Cockeysville VFD	mtg hall	-100.00
TOTAL	1/ 1/93 - 2/19/95			-675.00
TOTAL INFLOWS				0.00
TOTAL OUTFLOWS				-675.00
NET TOTAL				-675.00

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 27, 1995
TO: Gwen Stephens
Zoning Administration
FROM: James H. Thompson
Zoning Enforcement

RE: Item No. 257
Parker - Petitioner
1722 Yakona Road

Please be advised that the referenced matter is subject to an active violation case, C-94-2009, with Timothy L. Pitts as the inspector.

When the petition is scheduled for a hearing please notify:

Yvonne G. Leary, Vice President
CWA Local 2150
P.O. Box 673
White Marsh, Maryland 21162

Mr. Dan Roach
Box 511
New Freedom, Pennsylvania 17349

JHT/hek

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: January 25, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #257
1722 Yakona Road

The lot area as shown is 1,900 square feet; however, when calculated, the lot is about 3,000 square feet. This should have no impact on this case but I wanted to make you aware since the lot seems small.

MJK:scj

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1722 Yakona Road, N/S Yakona Road, 150' * ZONING COMMISSIONER
W of c/l Willow Oak Road, 9th * OF BALTIMORE COUNTY
Election District, 4th Councilmanic *
Bonnie D. Parker * CASE NO. 95-257-SPH
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 867-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Harvey B. Weeks, Esquire, 12060 Glen Arm Road, Glen Arm, MD 21057, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CWA LOCAL 2150
PO BOX 50235
BALTIMORE, MD 21211

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 1722 YAKONA ROAD

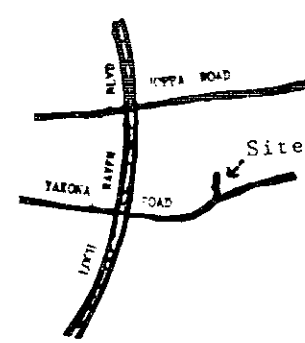
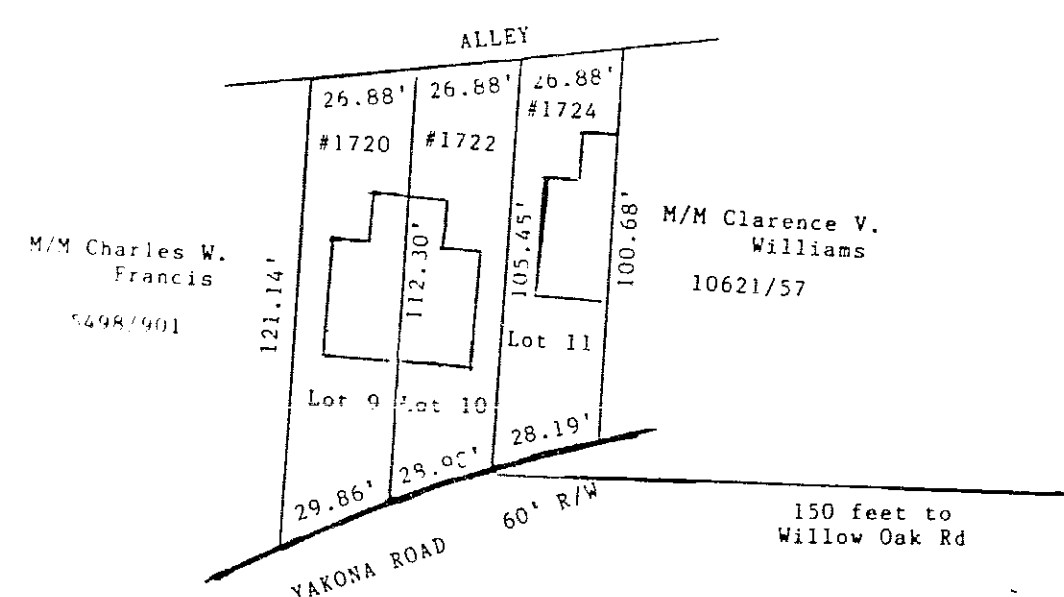
Subdivision name: RIDGELEY

plat book # 14, folio # 34, lot # 10, section # 15

OWNER: BONNIE D. PARKER

see pages 5 & 6 of the CHECKLIST for additional required information

95-257-SPH



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: No. 9

Councilmanic District: No. 4

1"=200' scale map: N.E. 10-C

Zoning: D.R. 5.5

Lot size: 1900' +/-

acreage

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: ☐ ☐

Zoning Office USE ONLY

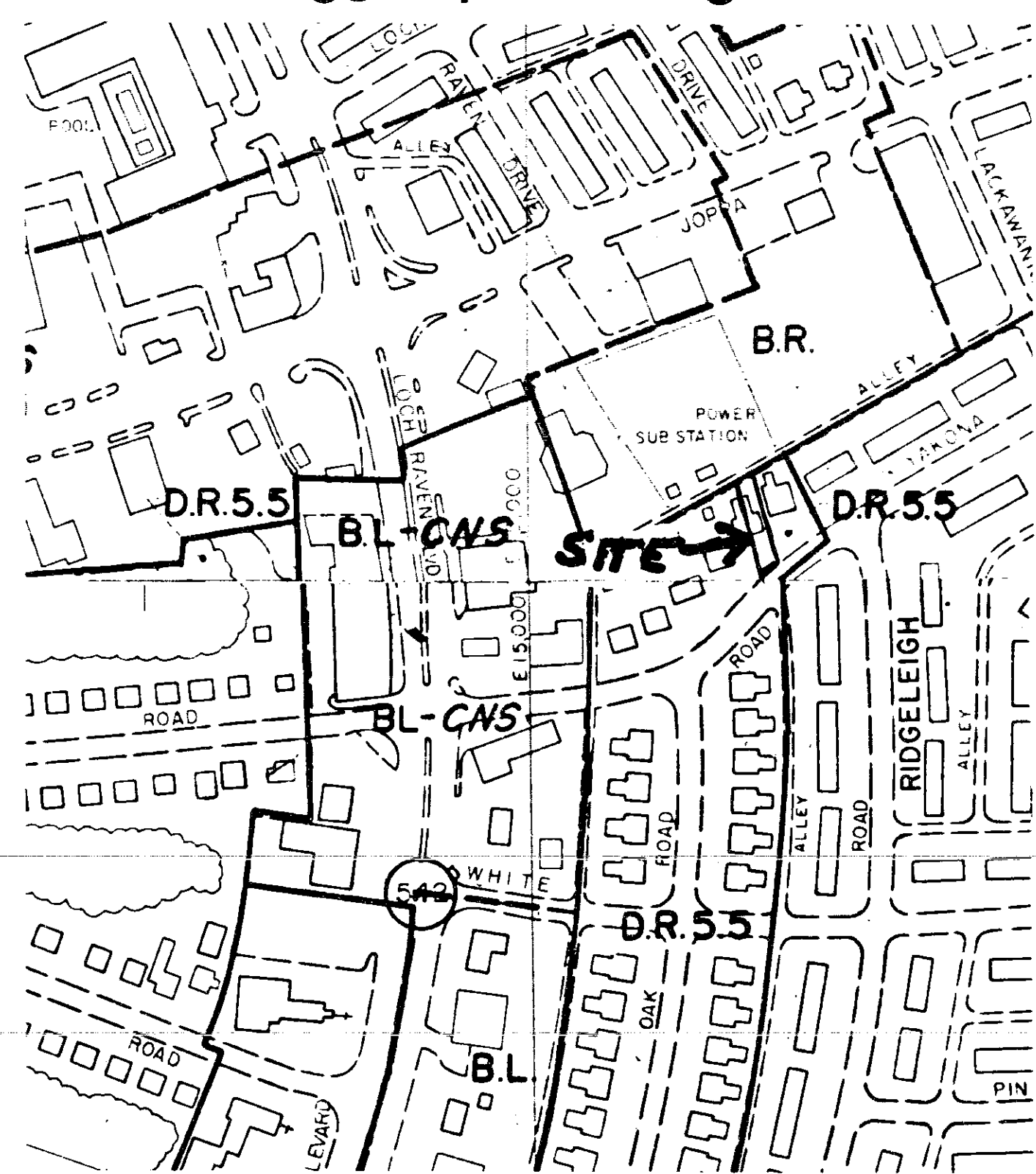
reviewed by: ITEM #: CASE#:

reviewed by: 857

North
date: 1/1/95
prepared by: H.B. WEEKS
Scale of Drawing: 1"=50'

Zoning Map

- 1 copy



SCALE
1"=200'±
DATE OF PHOTOGRAPHY
JANUARY 1986

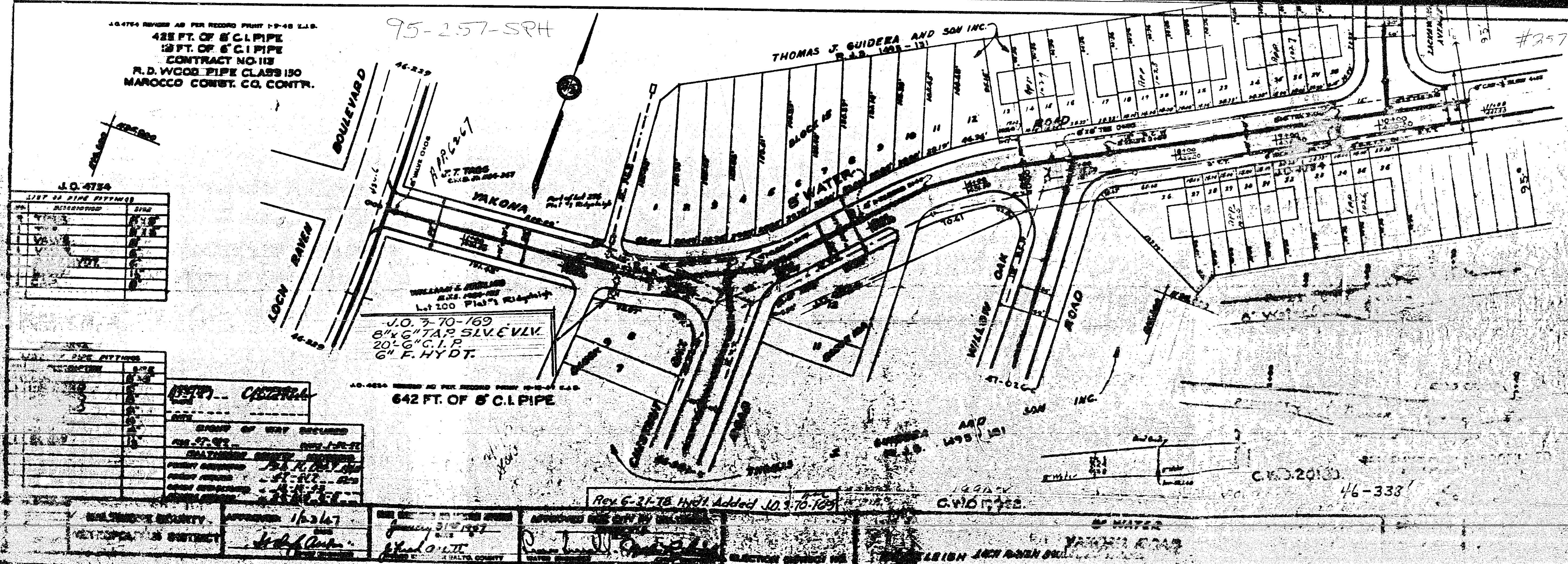
LOCATION
OAKLEIGH
BAYNESVILLE

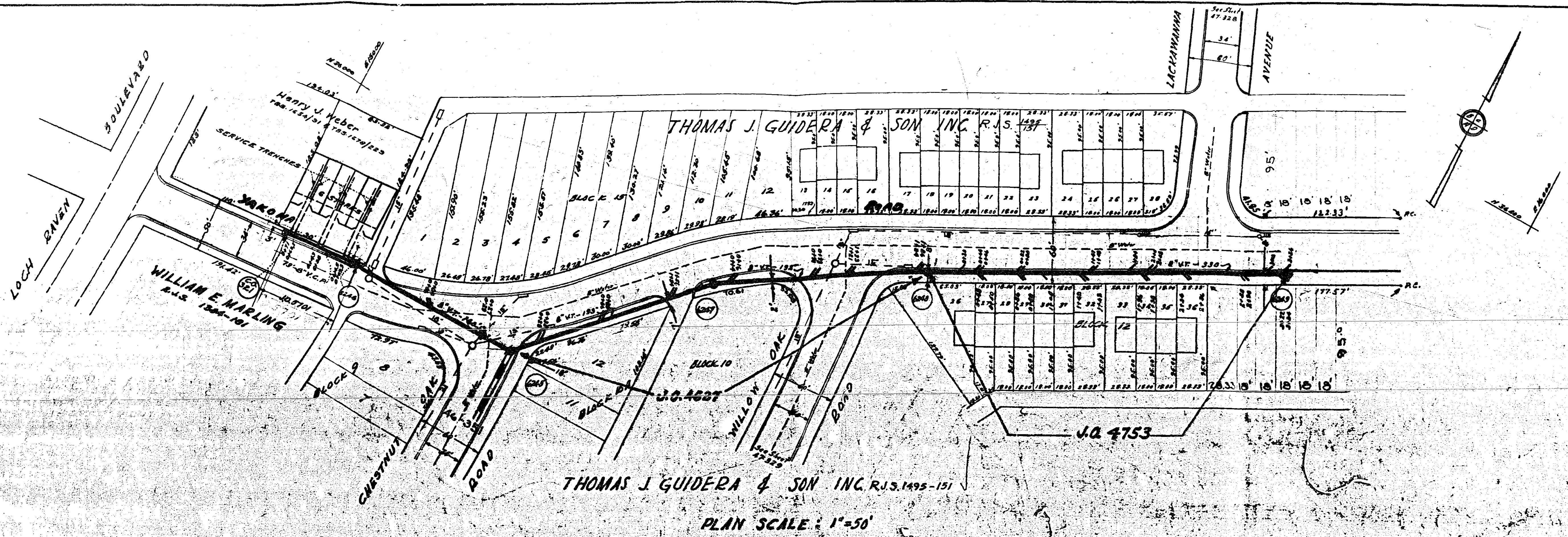
SHEET
N.E.
10-C

SHEET
N.E.
9-C

95-257-SPH

#257

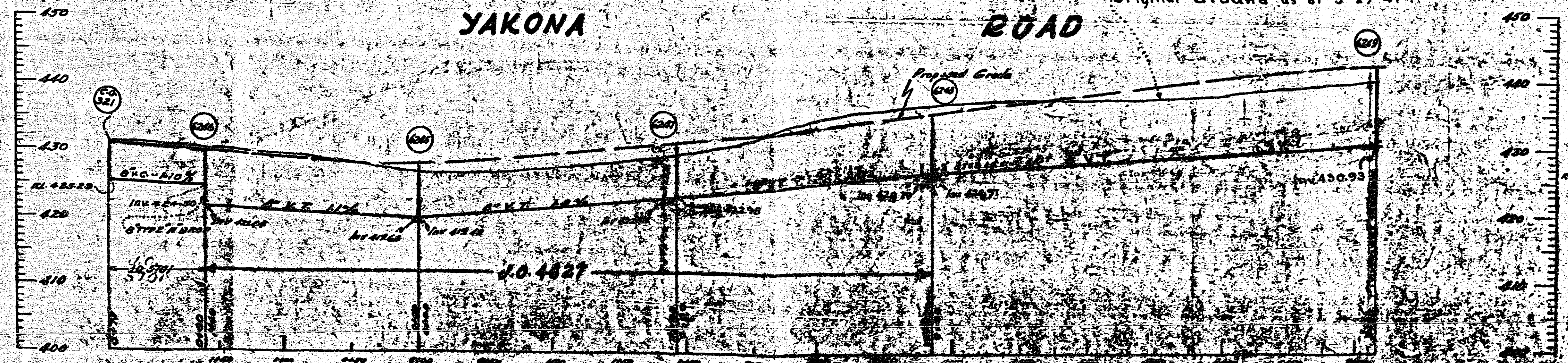




PLAN SCALE: 1"=50'

MH 6248 - MH 6249
Developer will excavate
road to sub-grade before
installation of sewer

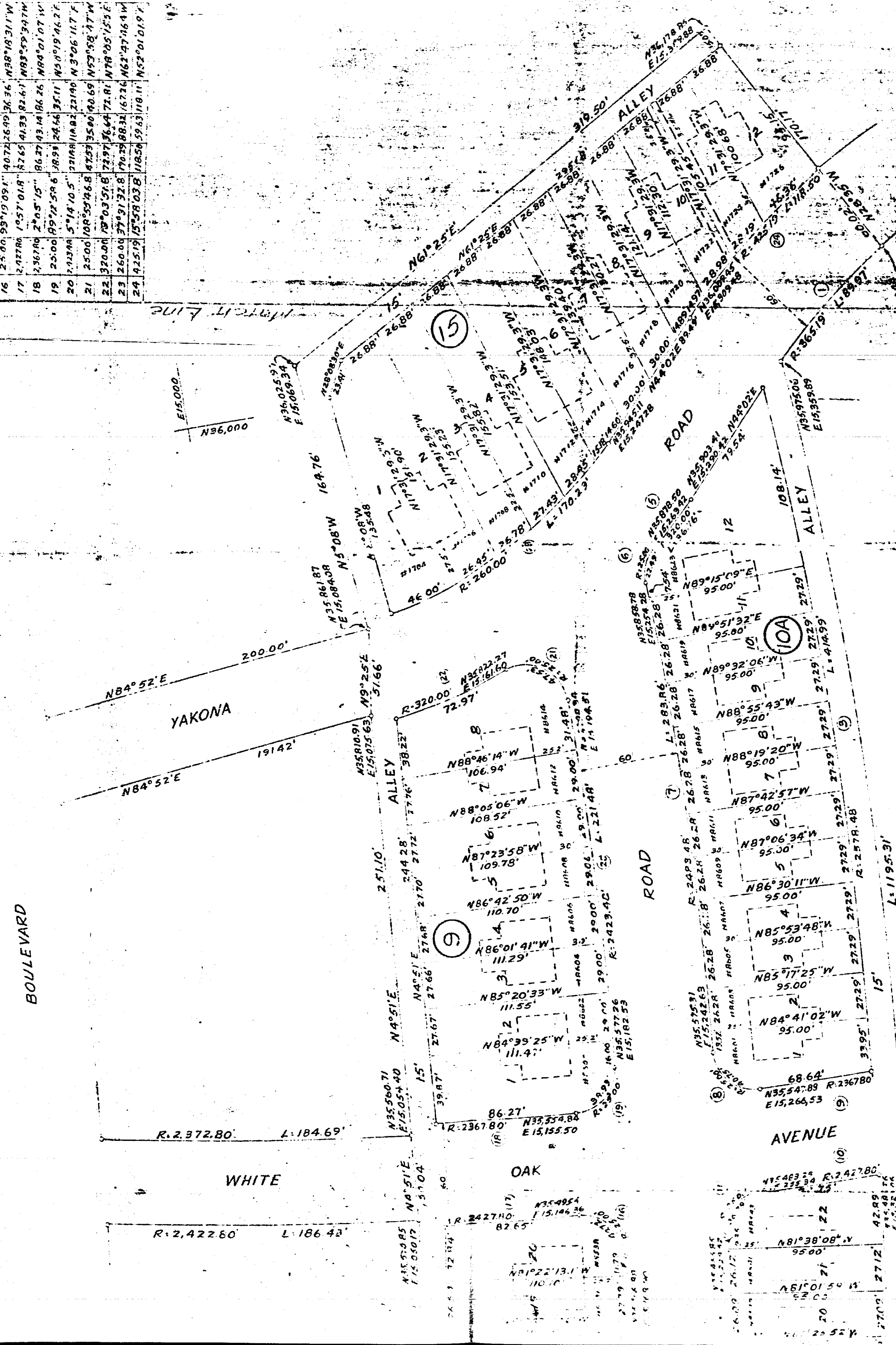
MH 6248 - MH 6249
Original Ground as of 5-29-47



95-257-SFH

LOCATION APPROVED 1/24/47 <i>CDW</i> DATE		APPROVED: 1/25/47 <i>[Signature]</i> COUNTY ENGINEER		COUNTY COMMISSIONERS OF BALTIMORE COUNTY PRESIDENT		MICROFILMED S.E.A.	
BALTIMORE COUNTY METROPOLITAN DISTRICT		COUNTY COMMISSIONERS OF BALTIMORE COUNTY PRESIDENT		COUNTY COMMISSIONERS OF BALTIMORE COUNTY CLERK		COUNTY COMMISSIONERS OF BALTIMORE COUNTY CLERK	

SEP 15 1978

[illegible]

14/34

RIDGELEIGH

ELECTION DISTRICT NO.2 - BALTIMORE COUNTY, MD
SUBDIVISION PLAT OF BLOCKS 4A, 5, 9, 10A, AND
PART OF BLOCK 15

SCALE 1 IN. = 40 FT.

AUGUST 1946

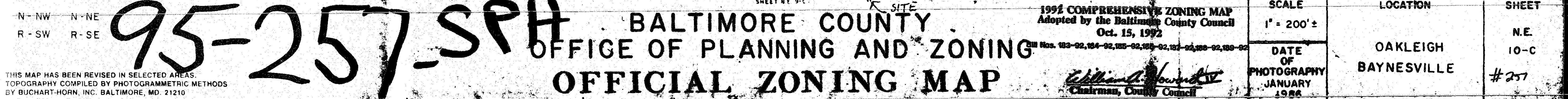
being incorporated into the Metropolitan Police District

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818

14. 1st Street NW above above - from 1930
Constructing and completed this street in Baltimore County Metropolitan District
Baltimore Police records No. 7820, 7824, 7826 and No. 7821, 7824, 7825

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT.

Alignment is to alignment and location of stream.





N-NW N-NE
R-SW R-SE

95-257-SPH

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE 1" = 200'	LOCATION OAKLEIGH BAYNESVILLE	SHEET N.E. 10-C #257
	BY	DATE			
Topographic	MAPS, INC.	4-11-70			
	JBL	10-6-83			
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA			DATE OF PHOTOGRAPHY APRIL 1953		



95-257-SPH

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ± LOCATION SHEET

DATE OF PHOTOGRAPHY JANUARY 1986
OAKLEIGH BAYNESVILLE
N.E. 10-C
#257